

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
TRUSTEES OF THE NYC COUNCIL OF
CARPENTERS PENSION FUND ET AL.,
:

Plaintiffs, :

22 Civ. 3340 (LGS)

-against- :

ORDER

B AND S CONSTRUCTION, INC.,
:

Defendant. :

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LORNA G. SCHOFIELD, District Judge:

WHEREAS, this action concerns a petition to confirm an arbitration award (the “Petition”).

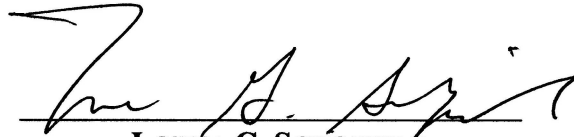
WHEREAS, Respondent was served on April 27, 2022 (Dkt. No. 7), but has not yet appeared in this action.

WHEREAS, Respondent was required to answer, move or otherwise respond to the Petition by May 18, 2022. *See* Fed. R. Civ. P. 12(a)(1)(A)(ii).

WHEREAS, “default judgments in confirmation/vacatur proceedings are generally inappropriate.” *D.H. Blair & Co., Inc. v. Gottdiener*, 462 F.3d 95, 109 (2d Cir. 2006). Instead, a district court should treat an unanswered petition to confirm or vacate an arbitration award “as an unopposed motion for summary judgment.” *Id.* at 110; *accord Carroll v. Wells Fargo Clearing Servs., LLC*, No. 20 Civ. 4918, 2021 WL 634721, at *2 (S.D.N.Y. Feb. 17, 2021). It is hereby

ORDERED that the Petition will be treated as an unopposed motion for summary judgment. Petitioner’s unopposed motion for summary judgment is deemed fully briefed and will be decided on the papers already filed.

Dated: May 20, 2022
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE